

UNITED STATES DEPARTMENT OF JUSTICE

SUMMARY OF SETTLEMENT AGREEMENT WITH THE CITY OF ALBUQUERQUE REGARDING ALBUQUERQUE POLICE DEPARTMENT

INTRODUCTION

The Department of Justice has reached a settlement agreement with the city of Albuquerque (“the city”) to reform the Albuquerque Police Department (“APD”). The settlement agreement resolves the department’s civil investigation into use of force by APD. In April 2014, the department concluded that APD engages in a pattern or practice of use of excessive force in violation of the Fourth Amendment. The department and the city have agreed to file the settlement agreement in the United States District Court for approval and entry as an order. An independent monitor will oversee the implementation of reforms to ensure that the city complies with the settlement agreement and that compliance is maintained for at least two years.

PROVISIONS OF THE SETTLEMENT AGREEMENT

The settlement agreement covers nine substantive areas and the implementation process. The measures in these sections are designed to ensure constitutional and effective policing, promote officer and public safety, and foster greater trust among officers and the communities they serve. The areas covered by the settlement agreement are:

Use of force: This section emphasizes the use of de-escalation techniques, when appropriate, to minimize the use of force. The settlement agreement requires APD to revise and develop new use of force policies; provide additional training to officers on use of force; conduct thorough, objective, and timely investigations of all uses of force; prohibit firing at moving vehicles; limit the use of electronic control weapons; and ensure that officers use on-body recording devices and discipline officers who fail, without justification, to do so.

Specialized units: This section is designed to increase the likelihood of safely resolving critical incidents and high-risk situations, provide for effective command-level accountability, and restrict specialized investigative units from engaging in tactical responses. The settlement agreement requires APD to eliminate its repeat offender project within three months; develop clearly defined missions and duties for specialized tactical and investigative units; develop eligibility criteria and selection devices for assignments to specialized units; document all specialized tactical deployments; and review all deployments to identify policy, training, equipment, or tactical concerns.

Crisis intervention: This section requires that APD consider specialized responses to incidents involving individuals in mental health crisis to minimize the need for using force, when appropriate, and for facilitating access to community-based treatment, supports, and services. The settlement agreement requires APD to establish a mental health response advisory committee; provide crisis intervention training to all officers; provide behavioral health training to dispatchers; expand the number of officers certified in crisis intervention; expand the number of detectives assigned to the crisis intervention unit; and collect and analyze data on crisis intervention to improve APD’s response to these calls.

Policies and training: This section requires that APD develop and revise policies and training programs to ensure compliance with the settlement agreement.

Misconduct complaints and investigations: This section requires that the city and APD fully and fairly investigate all allegations of officer misconduct and take corrective and disciplinary action, when warranted, in an effective and consistent manner. The city and APD agree to accept third-party and anonymous complaints; implement a public information program on civilian complaints; and prohibit all forms of retaliation against those reporting misconduct.

Staffing and supervision: This section requires that APD conduct a staffing study and develop a staffing plan to ensure close and effective supervision of officers in the field. The settlement agreement sets supervision levels; strengthens supervisor training; improves the early intervention system; and requires officers to use on-body recording systems.

Recruitment and promotions: This section requires that APD develop recruitment and hiring programs that support ethical and professional policing. The city and APD agree to develop a strategic recruitment plan; ensure that candidates for sworn personnel positions, including lateral hires, undergo psychological, medical, and polygraph examinations; maintain a drug testing program; and conduct pre-employment investigations of lateral hires, including their history of using force.

Officer assistance and support: This section is designed to ensure that officers are provided ready access to mental health and support services, including providing mental health evaluations before an officer is allowed back on full duty following a traumatic incident.

Community engagement and oversight: This section is designed to sustain reforms by supporting strong community participation and creating formal and informal mechanisms that facilitate ongoing communication between APD and Albuquerque's many communities. The city and APD agree to promote community and problem-oriented policing; conduct outreach to inform the public of APD's progress toward compliance; develop community policing councils; and maintain a civilian police oversight agency that conducts meaningful, independent investigations of all citizen complaints, and reviews serious uses of force and officer-involved shootings, while also tracking long-term trends and assessing APD's policies and training.

Implementation, monitoring, and enforcement: This section ensures that the settlement agreement is implemented fully and transparently. The parties will select a monitor to assess APD's compliance. The monitor will complete regular compliance reviews that measure APD's progress and file written, public compliance reports every four months, and after two years, every six months. The settlement agreement will not be terminated until APD has maintained substantial compliance for two consecutive years.

NEXT STEPS

The mayor has agreed to execute the settlement agreement after the city council has an opportunity to review and endorse the agreement during the week of Nov. 3, 2014. After Nov. 10, 2014, the parties intend to file the settlement agreement with the United States District Court for approval and entry as an order. The parties will identify and evaluate candidates to select the independent monitor. The parties will also conduct community outreach to inform the public about the terms of the settlement agreement.